

STATEWIDE TRAFFIC TICKETS/INFRACTIONS AMNESTY PROGRAM GUIDELINES

1. Program Authority

On June 24, 2015, Senate Bill 85 (Stats. 2015, ch 26) added section 42008.8 to the Vehicle Code (Attachment A). The statute authorizes and sets the general guidelines for a one-time mandatory amnesty program in each county that reduces bail and fine amounts for Vehicle Code and non-Vehicle Code infractions meeting the eligibility requirements. The statute also allows, upon court and county agreement, a one-time amnesty program for specified Vehicle Code misdemeanors.

The statute requires that the amnesty program be implemented in accordance with guidelines adopted by the Judicial Council. The *Statewide Traffic Tickets/Infraction Amnesty Program Guidelines* (guidelines) may not address every situation involving a collection program's implementation. Courts and counties should consider the intent of the legislation when developing local policies and procedures for their amnesty programs.

2. Program Purpose

The purpose of the one-time amnesty program is to provide relief to qualified individuals who have found themselves in default of a court-ordered obligation because they have unpaid bail or fines for traffic and non traffic violations. The program also may provide relief to individuals who have had their driving privileges suspended under Vehicle Code section 13365. Encouraging payment of old debt that has remained unpaid will allow court and county collection programs to resolve older delinquent cases and focus limited resources on collecting on more recent cases.

[The amnesty program provides participants with an opportunity to have court, county, or third party collection vendor staff process applications for reductions of bail or fines and release of driver's license suspensions. Participation in the amnesty program does not entitle individuals to appear before a judicial officer or reopen their case.](#)

3. Court and County Participation

Unless agreed to otherwise by the court and the county in writing, the entity responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b) will be responsible for implementation of the amnesty program.

The court and county *shall* implement an amnesty program to include infractions and violations under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7. Juvenile traffic infractions are also included in the program, [and have the same eligibility criteria as adult infractions.](#)

The court and county *may* jointly agree to extend the one-time amnesty program to bail and fines imposed for a misdemeanor violation of the Vehicle Code. (See section 8, Optional Program Components.)

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The amnesty program does not apply to parking violations or violations of Vehicle Code sections 23103, 23104, and 23105 (reckless driving) or Vehicle Code sections 23152 and 23153 (driving under the influence).

4. Program Costs

Costs of operating the amnesty program, excluding capital expenditures, may be deducted from the revenues collected under the amnesty program by the court or county that incurred the expense, per Penal Code section 1463.007.

Each collections program (court or county) may also charge an amnesty program fee of \$50 per participant. On cases that are paid in one lump sum, the \$50 amnesty program fee may be added to the reduced balance owed. On amnesty payment plans, the first payment will include the agreed-to monthly installment amount and may include the \$50 program fee. Regardless of the reduction amount, all participants who make a lump sum payment or enter into an installment payment plan may be charged the \$50 amnesty program fee. In addition, participants who are not eligible for the reduction, but are eligible to have their license reinstated, may be charged the \$50 amnesty program fee. For participants with unpaid tickets in multiple counties, the amnesty program fee may be charged by each court or county collections program in which the participant is seeking relief.

The \$50 amnesty program fee is the total fee that may be added to a case to offset any administrative costs. A collections program (including a third-party vendor) may not add additional administrative fees, as authorized by Vehicle Code section 40510.5 or Penal Code section 1205(e), to offset costs of administering an installment payment or accounts receivable plan under the amnesty program.

Any previously imposed administrative fees, such as those authorized under Vehicle Code section 40510.5 or Penal Code section 1205(e) may be reduced and collected under the amnesty program.

The Judicial Council's *Guidelines and Standards for Cost Recovery* can be used as a reference to determine cost allocation and revenue distribution. It is available at <http://www.courts.ca.gov/partners/455.htm>.

5. Amnesty Period

The one-time amnesty program shall operate from October 1, 2015, through March 31, 2017.

6. Eligibility

All adult Vehicle Code and non-Vehicle Code infraction violations and adult Vehicle Code misdemeanor violations with specified exceptions are eligible for the amnesty program. Juvenile Vehicle Code and non-Vehicle Code infraction violations are also eligible. [This program is also](#)

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[available to individuals eligible to have a driver's license, including undocumented individuals who are eligible for a driver's license under AB 60 who are entitled to participate in the traffic amnesty program if they meet the eligibility requirements.](#) Under Vehicle Code section 42008.8, the terms “bail” and “fine” refer to the total bail amount or fine balance due in connection with a specific Vehicle Code and/or non–Vehicle Code infraction and misdemeanor violation. Local programs should post on their websites a list of the misdemeanor violations that the court and county have jointly agreed to include in the amnesty program, if applicable.

For amnesty program purposes, any [and all](#) remaining balance of a civil assessment amount imposed under Penal Code section 1214.1 must be deducted from the outstanding bail or fine amount *before* any amnesty reduction calculations and *shall not* be collected.

Each program should determine how to adjust the deducted amount in accounts receivable.

7. Mandatory Program Components

The mandatory amnesty program includes all traffic and nontraffic infraction violations, including those to which a misdemeanor under Vehicle Code section 40508(a) or (b) or Penal Code section 853.7 has been added.

Violations are eligible for the mandatory amnesty program only if the following requirements are met:

- a. The violation is 1) an infraction violation filed with the court, or 2) a violation of Vehicle Code section 40508(a) or (b) or a violation of Penal Code section 853.7 that was added to an infraction violation filed with the court.
- b. The initial due date for payment of the bail or fine was on or before January 1, 2013.
 - A failure-to-appear case is eligible for amnesty *if* the case is currently on failure-to-appear status *and* the appearance date was on or before January 1, 2013.
 - A failure to pay case is eligible for amnesty *if* the fine due date *and* the last payment made on an installment plan or accounts receivable was on or before January 1, 2013 [and the last payment was made on or before June 24, 2015 \(the enactment date of the amnesty program legislation\).](#)
- c. The defendant does not owe restitution to a victim on **any** case within the county where the violation was issued.
- d. No misdemeanors or felony warrants for the defendant are outstanding within the county where the violation was issued, except for misdemeanor warrants for violations authorized by the court and county for inclusion in the amnesty program.
- e. The person is not currently [\(as of June 24, 2015\)](#) making payments on an amnesty-eligible violation to a comprehensive collection program under Penal Code section 1463.007(c). **Note:** [“Currently” is considered to mean as of June 24, 2015, the enactment date of the amnesty program legislation, unless otherwise amended by future legislative action.](#)

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Warrants issued pursuant to Penal Code section 853.7 for amnesty eligible violations should be vacated by the court upon successful application to the amnesty program for those violations.

Any payment made (on the specific case(s) on which amnesty is requested) after January 1, 2013, either voluntarily or involuntarily, disqualifies the case from eligibility for a reduction of the outstanding amount. However, an individual's driver's license may be reinstated.

The terms "bail" and "fine" as used in Vehicle Code section 42008.8 refer to the total bail amount or fine balance due, including court-ordered fees, forfeitures, surcharges, penalties, and assessments. For the purpose of this amnesty program, civil assessments are not included in the "bail" or "fine" amount.

For amnesty program purposes, any and all remaining balance of a civil assessment amount imposed pursuant to Penal Code section 1214.1 must be deducted from the outstanding bail or fine amount *before* any amnesty reduction calculations and *shall* not be collected.

8. Driver's License Reinstatement and Issuance

Concurrent with the amnesty program, and *only* between October 1, 2015, and March 31, 2017, the amnesty program may provide relief to individuals who have found themselves in violation of court-ordered obligation stemming from traffic and non traffic infractions and eligible misdemeanors that have resulted in driving privilege restrictions. The \$50 amnesty program fee applies for driver's license reinstatement.

If an individual is in good standing in a comprehensive collections program (e.g., current on an installment payment plan) and he or she has appeared in court, has paid the fine in full or has agreed to the terms of the amnesty payment plan, or has otherwise satisfied the court, the court must notify the DMV, as authorized by Vehicle Code section 40509 (a) and (b).

Any payment made (on the specific case(s) on which amnesty is requested), after January 1, 2013, either voluntarily or involuntarily, disqualifies the case from eligibility for a reduction of the outstanding amount. However, an individual's driver's license may be reinstated.

Before notifying the DMV, if-when a person is eligible for amnesty reduction, the court or county is responsible for confirming that an individual meets eligibility requirements a and b, and individuals will be required to certify or sign under penalty of perjury that they meet eligibility requirements c and d of the Mandatory Program Components section above. (Refer to Attachment B, sample Amnesty Program Participation Form) An amnesty participant seeking only reinstatement of a driver's license is not subject to the amnesty eligibility criteria related to outstanding warrants or victim's restitution.

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The courts and the DMV will use existing reporting processes to release a hold on or reinstate a suspended driver's license for amnesty-eligible cases.

The DMV will also charge a \$55 driver's license reinstatement fee as it does for any license reinstatement.

9. Optional Program Components

In addition to and at the same time as the mandatory amnesty program, the court and the county may agree to extend the amnesty program pertaining to fines and bail imposed for specified misdemeanor violations of the Vehicle Code. Parking violations; violations of Vehicle Code sections 23103, 23104, and 23105 (reckless driving); and Vehicle Code sections 23152 and 23153 (driving under the influence) are excluded from the program. (See eligibility requirements in section 7.)

Local programs should post on their websites a list of the misdemeanor violations that the court and county have jointly agreed to include in the amnesty program, if applicable.

10. Amnesty Payment Plan

In setting up monthly payment plans, the court or county should use the individual's monthly income to calculate a monthly payment amount that the individual can afford to pay, consistent with Government Code sections 68633 and 68634. Programs are encouraged to use existing procedures to determine an individual's ability to pay.

Depending on qualifications, an individual may choose to make installment payments under the amnesty payment plan option. [A court, county, or third party collections vendor may not charge a fee from the participant for setting up or processing an installment payment under an amnesty payment plan. The addition of an administrative fee, as authorized by Vehicle Code section 40510.5 or Penal Code section 1205\(e\), is suspended for participants setting up amnesty payment plans.](#)

Individuals applying for an 80 percent reduction must certify under penalty of perjury receipt of specified public benefits or monthly income that is 125 percent or less than the current federal poverty guidelines available at <http://aspe.hhs.gov/poverty/15poverty.cfm#guidelines>. The collecting entity may not require or request proof of income level or receipt of benefit(s) to determine eligibility.

The court or county shall collect all relevant information to allow for the collection of any amount in which a participant is delinquent or otherwise defaults on his or her amnesty payment plan. (See Attachment B, sample Amnesty Program Participation Form.)

[Financial information provided by amnesty participants shall be kept confidential and used for the purposes of amnesty eligibility and participation only.](#)

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11. Default on Amnesty Payment Plan

To participants who default on one or more installment payments, the collections program shall mail a notice advising them that they have failed to make a payment and that they have 30 days to either make a payment or request a change in the payment amount.

If a participant fails to respond to the notice within 30 days, the collections program may refer the case to the Franchise Tax Board Court-Ordered Debt program (FTB-COD) for collection of the remaining balance owed using existing protocols. FTB-COD's standard administrative costs may apply to any amounts collected.

During the amnesty period, the court and county may use other collection efforts authorized by Penal Code section 1463.007, except initiating driver's license suspension or hold actions.

12. Payment Processing

Vehicle Code section 42008.8 requires that each court or county accept in full satisfaction of eligible bail or fine:

- 50 percent of the outstanding fine or bail amount; or
- 20 percent of the outstanding fine or bail amount *if* the participant certifies under penalty of perjury that he or she receives any of the public benefits listed in Government Code section 68632(a), or is within the conditions described in Government Code section 68632(b).

For amnesty program purposes, any [and all](#) remaining balance of a civil assessment amount imposed under Penal Code section 1214.1 must be deducted from the outstanding bail or fine amount *before* any amnesty reduction calculations and *shall not* be collected.

Courts should ensure that court record(s) reflect the authority under Vehicle Code section 42008.8 to deduct and not collect any [and all](#) remaining balance of a civil assessment amount imposed. Each program should determine how to adjust the deducted amount.

The courts and counties are responsible for determining that the individual meets the eligibility criteria outlined in section 7, Mandatory Program Components. Participation in the amnesty program is granted after confirming that an individual meets eligibility requirements a) and b) and meet the following conditions:

- That they do not owe restitution to a victim on any case within the county where they are seeking amnesty;
- That they do not have outstanding misdemeanor or felony warrants within the county where they are seeking amnesty; and
- That they are not currently making payments to the court or county on the case for which they are seeking amnesty.

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For individuals who attest to meeting these criteria, the court or county must accept in full satisfaction 50 percent of the eligible fine or bail amount (after deducting any unpaid civil assessment), plus the amnesty program fee.

For individuals who sign under penalty of perjury that they are receiving specified public benefits or that their monthly income is 125 percent or less of the current federal poverty guidelines (<http://aspe.hhs.gov/poverty/15poverty.cfm#guidelines>), the court or county must accept in full satisfaction 20 percent of the eligible fine or bail amount (after deducting any unpaid civil assessment), plus the amnesty program fee.

Please note the following payment considerations:

- a. [Courts and counties may determine whether](#) All forms of payment currently accepted by the collection program are acceptable for the amnesty program.
- b. Payment under the amnesty program may be made in one lump sum or in installment payments (see Amnesty Payment Plan section above).
- c. The total amount of revenue collected under the amnesty program will be deposited in the county treasury and/or the account established under Government Code section 77009.
- d. The program must maintain a separate accounting of all revenues collected and operating costs expended under the amnesty program.
- e. No criminal action shall be brought against a person for delinquent bail amount or fine balance paid under the amnesty program.
- f. Each program will need to determine how to adjust the deducted civil assessment amount from its accounts receivable.
- g. A collections program (including a third-party vendor) may not add additional administrative fees, as authorized by Vehicle Code section 40510.5 or Penal Code section 1205(es), to offset costs of administering an installment payment or accounts receivable plan under the amnesty program.
- h. Any previously imposed administrative fees, under Vehicle Code section 40510.5 or Penal Code section 1205(e), may be reduced and collected under the amnesty program.
- i. The court and county should not allow an eligible individual to sign up for traffic school in lieu of making the reduced payment amount because the distribution under amnesty is inconsistent with the statutory distribution required under traffic violator school.

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13. Accounting

Courts and counties should refer to section 13, Reporting Requirements, for mandatory data reporting elements and consider them when developing accounting procedures for the amnesty program.

For courts, a reporting element will be added to the Phoenix Financial System to track amnesty program-related revenues and expenditures. Contact your Phoenix account lead with any questions.

14. Distribution

Revenue collected under the amnesty program shall be deposited in the county treasury or the account established under Government Code section 77009. After acceptance of the amnesty revenue, notwithstanding Penal Code section 1203.1(d), the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed under Penal Code section 1462.5.

The California State Controller's Office (SCO) shall be responsible for the special distributions outlined in Vehicle Code section 42008.8. Amnesty operating costs, including commission fees, should be prorated among all funds collected under the comprehensive collection program, under Penal Code 1463.007. The SCO's trial court revenue distribution manual (Appendix C) and *Assembly Bill 3000 Court Surcharge Distribution Guidelines* are available at www.courts.ca.gov/revenue-distribution.htm.

The Judicial Council's *Guidelines and Standards for Cost Recovery* can be used as a reference to determine cost allocation and revenue distribution. It is available at the Judicial Council's Revenue and Collections information webpage at <http://www.courts.ca.gov/partners/455.htm>.

15. Reporting Requirements

Each court or county collection program will jointly submit the Amnesty Program Collections Report (see Attachment C) on or before the dates indicated below. The report *shall* include monthly data on the number of cases resolved, the amount of money collected, and the operating costs attributable to the amnesty program. Additional program detail should be reported to the extent possible.

Quarterly reports are to be submitted electronically to the Judicial Council's Revenue and Collections Unit at collections@jud.ca.gov on or before the following dates:

January 31, 2016

May 31, 2016

September 30, 2016

January 31, 2017

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May 31, 2017 (final report)

The Judicial Council is required to submit a report to the Legislature summarizing the information provided by each court or county on or before August 31, 2017.

16. Amnesty Program Action Plan

The Judicial Council is responsible for the following:

- Creating an outreach plan, which includes maintaining and updating an Internet website with relevant amnesty information and links to all court and county websites;
- Developing and distributing the amnesty program guidelines to court and county collecting entities no later than October 1, 2015;
- Compiling amnesty program information for inclusion in the required report to the Legislature; and
- Reimbursing the DMV for costs incurred, up to \$250,000, for (1) creation and production of an insert to be included with each motor vehicle registration renewal notice; (2) staff costs; and (3) posting on the department's website of information regarding the amnesty program.

The DMV is responsible for the following:

- Providing a summary of the amnesty program established under this section that is compliant with Government Code section 7292. That summary will be included on a separate insert with each motor vehicle registration renewal notice.
- Posting on the DMV website information regarding the amnesty program.

The courts and counties should collaborate with each other on the development of local policies and procedures for the implementation of this amnesty program. To implement the amnesty program successfully, each court and county should develop a joint process for:

- Accepting and posting payments made under the amnesty program;
- Providing an amnesty payment plan option that is consistent with requirements under Government Code section 68632(a) and (b)-s;
- Notifying the DMV, as required by law;
- Maintaining separate accounting of all amnesty revenues, including cost recovery collected and operating costs expended under the amnesty program;
- Upon contact by an individual, confirming eligibility on individual cases based on criteria established in Vehicle Code section 42008.8;
- Tracking and reporting the monthly number of cases resolved and revenue collected at the 50 and 80 percent reduction rate, and whether these payments were paid in one lump sum or in installments; ~~and~~
- Tracking and reporting monthly operating costs and recovered costs-; and

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- [Posting and maintaining amnesty program information on individual court & county websites and local public facilities.](#)

The court and county should also consider developing a joint procedure for:

- Distributing informational materials to justice partners and third-party collection vendors; and
- Designating staff at each court or county satellite location to process all amnesty payments received by mail or in person.

The State Controller's Office is responsible for the following:

- Handling any special distribution(s) outlined in Vehicle Code section 42008.8; and
- Transferring the first \$250,000 received from amnesty program-related collections revenues to the Judicial Council to reimburse the Department of Motor Vehicles for amnesty-related costs (not to exceed \$250,000).

17. Third-Party Collections

Private Vendor

As outlined in the Statement of Work of the Statewide Master Agreement for Collections Services, vendors are required to provide collection services for “any other legally enforceable debt owed to a Participating Entity [e.g., court or county] or that a Participating Entity has a right to collect”, which includes debt identified by each program as eligible under the amnesty program. A private vendor that currently provides collection services for delinquent court-ordered debt, as permitted by the master agreement, may collect amnesty-eligible debt.

The commission fee listed by each vendor on its pricing proposal for the collection of other legally enforceable debt is an allowable operating cost and applies to this amnesty program.

[However, a private vendor may not charge a fee from the participant for setting up or processing an installment payment under an amnesty payment plan or any administrative fee to participate in the program.](#)

Court and county collection programs that do not currently contract with a private vendor for collections services under the master agreement may enter into a contract with a vendor for the collection of amnesty-eligible cases using the participation agreement. Vendor information and a pricing list can be found at www.courts.ca.gov/partners/collections.htm.

As stated in the master agreement, in addition to the reporting requirements of Penal Code section 1463.010, each private vendor must comply with reporting requirements of any other applicable state law and as specified by the Judicial Council, including the reporting requirement referenced in Vehicle Code section 42008.8(I).

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Each participating private vendor is responsible for:

- Accepting and posting payments made through the amnesty program;
- Maintaining separate accounting of all amnesty revenues;
- Tracking and reporting the monthly number of cases resolved and revenue collected at the 50 and 80 percent reduction rate, and whether these payments were paid in one lump sum or in installments.

Franchise Tax Board Court-Ordered Debt Program

The court or county may refer amnesty cases that default on their payment plans to the FTB-COD for collection of the remaining delinquent balance, using existing protocols. The FTB-COD may charge an administrative cost, up to 15 percent as prescribed in the Revenue and Taxation Code section 19282, for collecting on any amnesty cases referred by a court or county program.

Revenue and Taxation Code section 19280 requires the aggregate balance owed of at least \$100 for the amounts due referred to FTB for collection and authorizes FTB to “establish criteria for referral that shall include setting forth a minimum dollar amount subject to referral and collection.” The FTB established \$25 as the minimum referral amount; therefore, the case balance must be at least \$25, and the total amount owed by the debtor must total at least \$100.

Intrabranh Program

A court or county that currently contracts with another court (an intrabranh program) for collection services may amend existing agreements to include the collection of amnesty eligible debt.

Overpayments

To reduce the possibility of overpayments involving a third party vendor, it is recommended that local collections programs develop appropriate protocols for the following:

- Notifying the third-party vendor when an amnesty-eligible case referred to it has been enrolled in the amnesty program.
- Withdrawing from the third-party vendor any amnesty-eligible cases that have been enrolled into the amnesty program.

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Attachment A

Senate Bill No. 85

CHAPTER 26

An act to amend Section 135 of the Code of Civil Procedure, to amend Sections 30029.05, 30061, 70602.6, 70616, 70617, 70657, and 70677 of the Government Code, to amend Sections 1230, 1231, 1232, 1233.1, 1233.3, 1233.5, 1233.6, 1233.61, 1233.9, 1233.10, 1369.1, 1370, 6402, and 13602.1 of, to amend and repeal Section 13602 of, to amend, repeal, and add Sections 13600, 13601, and 13603 of, to add 1370.6 to, to repeal Sections 1233, 1233.15, and 1233.2 of, and to repeal and add Section 1233.4 of, the Penal Code, to add Section 42008.8 to the Vehicle Code, to amend Sections 4117 and 4143 of, and to add Sections 3313, 4023.6, 4023.7, and 4023.8 to, the Welfare and Institutions Code, to amend the Budget Act of 2014 (Chapter 25 of the Statutes of 2014) by amending Item 0250-101-3259 of, and to add Item 5227-491 to, Section 2.00 of that act, relating to public safety, and making an appropriation therefore, to take effect immediately, bill related to the budget.

[Approved by Governor June 24, 2015. Filed with Secretary of State June 24, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 85, Committee on Budget and Fiscal Review. Public safety.

SEC. 42. Section 42008.8 is added to the Vehicle Code, to read:

42008.8. (a) The Legislature finds and declares that a one-time infraction amnesty program would do all of the following:

- (1) Provide relief to individuals who have found themselves in violation of a court-ordered obligation because they have unpaid traffic bail or fines.
- (2) Provide relief to individuals who have found themselves in violation of a court-ordered obligation or who have had their driving privileges suspended pursuant to Section 13365.
- (3) Provide increased revenue at a time when revenue is scarce by encouraging payment of old fines that have remained unpaid.
- (4) Allow courts and counties to resolve older delinquent cases and focus limited resources on collections for more recent cases.

(b) A one-time amnesty program for fines and bail meeting the eligibility requirements set forth in subdivision (e) shall be established in each county. Unless agreed otherwise by the court and the county in writing, the government entities that are responsible for the collection of delinquent court-ordered debt shall be responsible for implementation of the amnesty program as to that

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debt, maintaining the same division of responsibility in place with respect to the collection of court-ordered debt under subdivision (b) of Section 1463.010 of the Penal Code.

(c) As used in this section, the term “fine” or “bail” refers to the total amounts due in connection with a specific violation, which include, but are not limited to, all of the following:

- (1) Base fine or bail, as established by court order, by statute, or by the court’s bail schedule.
- (2) Penalty assessments imposed pursuant to Section 1464 of the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6, and 76104.7 of, and paragraph (1) of subdivision (c) of Section 76000.10 of, the Government Code, and Section 42006 of this code.
- (3) State surcharges imposed pursuant to Section 1465.7 of the Penal Code.
- (4) Court operations assessments imposed pursuant to Section 1465.8 of the Penal Code.
- (5) Criminal conviction assessments pursuant to Section 70373 of the Government Code.

(d) Notwithstanding subdivision (c), any civil assessment imposed pursuant to Section 1214.1 of the Penal Code shall not be collected, nor shall the payment of that assessment be a requirement of participation in the amnesty program.

(e) Concurrent with the amnesty program established pursuant to subdivision (b), between October 1, 2015, to March 31, 2017, inclusive, the following shall apply:

(1) The court shall issue and file with the Department of Motor Vehicles the appropriate certificate pursuant to subdivisions (a) and (b) of Section 40509 for any participant of the one-time amnesty program established pursuant to subdivision (b) demonstrating that the participant has appeared in court, paid the fine, or otherwise satisfied the court, if the driving privilege of that participant was suspended pursuant to Section 13365 in connection with a specific violation described in paragraph (1), (2), or (3) of subdivision (g).

(2) The court shall issue and file with the department the appropriate certificate pursuant to subdivisions (a) and (b) of Section 40509 for any person in good standing in a comprehensive collection program pursuant to subdivision (c) of Section 1463.007 of the Penal Code demonstrating that the person has appeared in court, paid the fine, or otherwise satisfied the court, if the driving privilege was suspended pursuant to Section 13365 in connection with a specific violation described in paragraph (1), (2), or (3) of subdivision (g).

(3) Any person who is eligible for a driver’s license pursuant to Section 12801, 12801.5, or 12801.9 shall be eligible for the amnesty program established pursuant to subdivision (b) for any specific violation described in subdivision (g). The department shall issue a driver’s license to any person who is eligible pursuant to Section 12801, 12801.5, or 12801.9 if the person is participating in the amnesty program and is otherwise eligible for the driver’s license but for the fines or bail to be collected through the program.

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(4) The Department of Motor Vehicles shall not deny reinstating the driving privilege of any person who participates in the amnesty program established pursuant to subdivision (b) for any fines or bail in connection with the specific violation that is the basis for participation in the amnesty program.

(f) In addition to, and at the same time as, the mandatory one-time amnesty program is established pursuant to subdivision (b), the court and the county may jointly agree to extend that amnesty program to fines and bail imposed for a misdemeanor violation of this code and a violation of Section 853.7 of the Penal Code that was added to the misdemeanor case otherwise subject to the amnesty. The amnesty program authorized pursuant to this subdivision shall not apply to parking violations and violations of Sections 23103, 23104, 23105, 23152, and 23153.

(g) A violation is only eligible for amnesty if paragraph (1), (2), or (3) applies, and the requirements of paragraphs (4) to (7), inclusive, are met:

(1) The violation is an infraction violation filed with the court.

(2) It is a violation of subdivision (a) or (b) of Section 40508, or a violation of Section 853.7 of the Penal Code that was added to the case subject to paragraph (1).

(3) The violation is a misdemeanor violation filed with the court to which subdivision (f) applies.

(4) The initial due date for payment of the fine or bail was on or before January 1, 2013.

(5) There are no outstanding misdemeanor or felony warrants for the defendant within the county, except for misdemeanor warrants for misdemeanor violations subject to this section.

(6) The person does not owe victim restitution on any case within the county.

(7) The person is not currently making payments to a comprehensive collection program pursuant to subdivision (c) of Section 1463.007 of the Penal Code.

(h) (1) Except as provided in paragraph (2), each amnesty program shall accept, in full satisfaction of any eligible fine or bail, 50 percent of the fine or bail amount, as defined in subdivision (c).

(2) If the participant certifies under penalty of perjury that he or she receives any of the public benefits listed in subdivision (a) of Section 68632 of the Government Code or is within the conditions described in subdivision (b) of Section 68632 of the Government Code, the amnesty program shall accept, in full satisfaction of any eligible fine or bail, 20 percent of the fine or bail amount, as defined in subdivision (c).

(i) The Judicial Council, in consultation with the California State Association of Counties, shall adopt guidelines for the amnesty program no later than October 1, 2015, and each program shall be conducted in accordance with the Judicial Council's guidelines. As part of its guidelines, the Judicial Council shall include all of the following:

STATEWIDE TRAFFIC TICKETS/INFRACTIONS AMNESTY PROGRAM GUIDELINES

(1) Each court or county responsible for implementation of the amnesty program pursuant to subdivision (b) shall recover costs pursuant to subdivision (a) of Section 1463.007 of the Penal Code and may charge an amnesty program fee of fifty dollars (\$50) that may be collected with the receipt of the first payment of a participant.

(2) A payment plan option created pursuant to Judicial Council guidelines in which a monthly payment is equal to the amount that an eligible participant can afford to pay per month consistent with Sections 68633 and 68634 of the Government Code. If a participant chooses the payment plan option, the county or court shall collect all relevant information to allow for collection by the Franchise Tax Board pursuant to existing protocols prescribed by the Franchise Tax Board to collect delinquent debts of any amount in which a participant is delinquent or otherwise in default under his or her amnesty payment plan.

(3) If a participant does not comply with the terms of his or her payment plan under the amnesty program, including failing to make one or more payments, the appropriate agency shall send a notice to the participant that he or she has failed to make one or more payments and that the participant has 30 days to either resume making payments or to request that the agency change the payment amount. If the participant fails to respond to the notice within 30 days, the appropriate agency may refer the participant to the Franchise Tax Board for collection of any remaining balance owed, including an amount equal to the reasonable administrative costs incurred by the Franchise Tax Board to collect the delinquent amount owed. The Franchise Tax Board shall collect any delinquent amounts owed pursuant to existing protocols prescribed by the Franchise Tax Board. The comprehensive collection program may also utilize additional collection efforts pursuant to Section 1463.007 of the Penal Code, except for subparagraph (C) of paragraph (4) of subdivision (c) of that section.

(4) A plan for outreach that will, at a minimum, make available via an Internet Web site relevant information regarding the amnesty program, including how an individual may participate in the amnesty program.

(5) The Judicial Council shall reimburse costs incurred by the Department of Motor Vehicles up to an amount not to exceed two hundred fifty thousand dollars (\$250,000), including all of the following:

(A) Providing on a separate insert with each motor vehicle registration renewal notice a summary of the amnesty program established pursuant to this section that is compliant with Section 7292 of the Government Code.

(B) Posting on the department's Internet Web site information regarding the amnesty program.

(C) Personnel costs associated with the amnesty program.

(j) No criminal action shall be brought against a person for a delinquent fine or bail paid under the amnesty program.

STATEWIDE TRAFFIC TICKETS/INFRACTIONS AMNESTY PROGRAM GUIDELINES

(k) (1) The total amount of funds collected under the amnesty program shall, as soon as practical after receipt thereof, be deposited in the county treasury or the account established under Section 77009 of the Government Code. After acceptance of the amount specified in subdivision (h), notwithstanding Section 1203.1d of the Penal Code, the remaining revenues collected under the amnesty program shall be distributed on a pro rata basis in the same manner as a partial payment distributed pursuant to Section 1462.5 of the Penal Code.

(2) Notwithstanding Section 1464 of the Penal Code, the amount of funds collected pursuant to this section that would be available for distribution pursuant to subdivision (f) of Section 1464 of the Penal Code shall instead be distributed as follows:

(A) The first two hundred fifty thousand dollars (\$250,000) received shall be transferred to the Judicial Council.

(B) Following the transfer of the funds described in subparagraph (A), once a month, both of the following transfers shall occur:

(i) An amount equal to 82.20 percent of the amount of funds collected pursuant to this section during the preceding month shall be transferred into the Peace Officers' Training Fund.

(ii) An amount equal to 17.80 percent of the amount of funds collected pursuant to this section during the preceding month shall be transferred into the Corrections Training Fund.

(l) Each court or county implementing an amnesty program shall file, not later than May 31, 2017, a written report with the Judicial Council, on a form approved by the Judicial Council. The report shall include information about the number of cases resolved, the amount of money collected, and the operating costs of the amnesty program. Notwithstanding Section 10231.5 of the Government Code, on or before August 31, 2017, the Judicial Council shall submit a report to the Legislature summarizing the information provided by each court or county.

October 1, 2015 to March 31, 2017

Sample Participation Form

Date: _____ California Driver's License Number: _____
 Name: _____ E-mail: _____
 Current Address: _____
 Contact Number(s): _____ Home: _____ Mobile: _____ Work: _____

I am seeking (select one or both) reduction in eligible unpaid bail/fines/fees driver's license reinstatement

In order to be eligible for a reduction in my unpaid bail/fines/fees, I declare the following are true:

- I do not owe restitution to a victim within the county where the violation occurred.
 I do not have any outstanding misdemeanor or felony warrants in the county where the violation occurred.

In order to be eligible for the restoration of my driver's license only, I declare the following is true:

- I made no payments to the court or county for the eligible violation after June 24, 2015.

By signing below, I affirm that I understand each of the following:

- I must pay the reduced balance owed in full at this time or comply with terms of the court-approved payment plan.
- I am responsible for an amnesty program fee of \$50 to be paid with my first payment.
- If I stop making payments on my amnesty case, the remaining balance may be referred to the Franchise Tax Board or a third party for collection.
- If my case is determined ineligible at a later time, I may be responsible for payment of the re-adjusted or full amount. (See reverse for details.)

Complete either Section A or B as directed:

A. I certify that I receive the following public assistance (*include all that apply*):

- | | |
|---|--|
| <input type="checkbox"/> Supplemental Security Income/SSI | <input type="checkbox"/> Cash Assistance Program for Immigrants (CAPI) |
| <input type="checkbox"/> County relief, general relief, or general assistance | <input type="checkbox"/> In-Home Supportive Services (IHSS) |
| <input type="checkbox"/> State Supplementary Payment/SSP | <input type="checkbox"/> Tribal Temporary Assistance for Needy Families (TANF) |
| <input type="checkbox"/> CalWORKs | <input type="checkbox"/> CalFresh (Supplemental Nutrition Assistance Program) |
| <input type="checkbox"/> Medi-Cal | |

B. I certify the following:

My total gross monthly household income is \$_____ and a total of ____ dependents live in the household.

I declare under penalty of perjury under the laws of the State of California that the foregoing statements are true and correct to the best of my knowledge and belief. I understand that if I provide incorrect or inaccurate information, the debt reduction amount may change and I will be responsible for payment of the re-adjusted or full amount.

Signature _____

Date _____

**Statewide Traffic Tickets/Infractions Amnesty Program
October 1, 2015 to March 31, 2017
Sample Participation Form**

Attachment B

PLEASE NOTE THE FOLLOWING;

Are you eligible for amnesty?

If, after this application is submitted, the court or county discovers you are not eligible for amnesty because you have one or more outstanding warrants or owe victim restitution in this county, you shall be notified within five court days that your application is being suspended. You will then have 20 court days to bring written proof to the court that the outstanding warrant(s) and/or victim restitution issues have been addressed. On the 21st day, or if the information you provide does not demonstrate you are eligible for amnesty, the court will retroactively cancel the amnesty program, restore previously reduced court ordered amounts, and credit any paid amounts toward your revised outstanding debt. The court will send you notice of this action to the address indicated on this document.

Are you eligible for the 80% reduction?

If, after this application is submitted, the court or county discovers you are not eligible for the 80 percent reduction in bail/fines/fees because you are not receiving public assistance as listed or because your household income does not fall below 125 percent of the federal poverty rate, you shall be notified within five court days that your amnesty discount will be revised to 50 percent. You will then have 20 court days to bring written proof to the court that you do receive the specified public assistance or that your income is at or below 125 percent of the federal poverty rate for your household. On the 21st day, or if the information you provide does not demonstrate that you are eligible for the 80 percent discount, the court will revise the discount to which you are entitled to 50 percent of the amount owed for court-ordered debt, and credit any paid amounts toward your revised outstanding debt. The court will send you notice of this action to the address indicated on this document.

COLLECTION PROGRAM USE ONLY

Citation due date: _____

Citation number: _____

Total outstanding balance: _____

Amnesty payment due: _____

The County of _____ OR the Superior Court of _____ County has verbally verified case eligibility for the amnesty program and has determined the following:

50% reduction _____

80% reduction _____

Full Payment _____

Payment Plan _____

Driver's License Reinstatement _____

Certified by: _____



August 20, 2015

VIA EMAIL

Judicial Council of California
455 Golden Gate Avenue
San Francisco, California 94102-3688
Attention: Cliff Alumno
judicialcouncil@jud.ca.gov

Re: Comments on Traffic Tickets/Infraction Amnesty Program Guidelines

Dear Judicial Council,

We the undersigned are a consortium of legal aid providers and leading civil rights organizations in California. Our clients (and the millions of pro se defendants like them) will be seeking relief under the traffic ticket amnesty program. We submit these public comments in advance of the August 21, 2015 Judicial Council business meeting. Per Judicial Council procedures, public comment is required on matters affecting judicial administration or specific agenda items at any Judicial Council meeting. We have compiled our General Comments and Specific Comments below.

GENERAL COMMENTS:

We oppose the recommendation that Judicial Council “[d]elegate authority to the Administrative Director to revise the guidelines in response to any legislative or related action affecting amnesty program parameters.” Any legislative or related actions affecting amnesty program parameters should be reviewed independently by the Judicial Council.

Some major areas are not covered sufficiently, or at all, in the proposed Statewide Traffic Tickets/Infractions Amnesty Program Guidelines:

- **Many people have tickets in multiple jurisdictions. Will there be a mechanism to lift a license suspension as soon as the individual accesses the amnesty program in one county, or will the suspension remain until each county has received a payment and lifted their hold? How do out of state holds affect the amnesty?**

For the amnesty program, we recommend that if a person has tickets in multiple counties, his driver's license should be reinstated upon signing up for the amnesty program in one county with the understanding that he must apply to the amnesty program for unpaid tickets in the other counties.

- **How will payment plan amounts be determined, and who will be making the decision? What happens if a person cannot afford to make any kind of payment?**

The intent of the law is to enable driver license reinstatements and debt reductions to very low-income people. To impose cost prohibitive monthly installment payment plans will run contrary to the spirit of the law and will perpetuate the cycle of inequality that the law was created to subvert.

Under Vehicle Code section 42008.8(i)(2), the court or county is required to offer a payment plan based on the amount that an eligible participant can afford to pay per month. The court or county should be prepared to process applications from extremely low-income individuals who are homeless, in foster care, students, former foster youth, street vendors, homeless, U.S. veterans, or persons returning home from jail or prison. Such individuals may have little to no monthly income. An ability to pay determination might reveal that such individuals can afford to pay \$0/month.

Requiring such extremely low-income individuals to pay a monthly installment amount that is greater than they are realistically able to provide (more than \$0/month) will violate Vehicle Code section 42008.8(i)(2). Government Code section 68634, citing section 68632(c), states that a person who cannot pay court fees without using moneys that normally would pay for the common necessities of life for the applicant and the applicant's family shall be granted permission to proceed without paying court fees and costs.

The court must set up an "equitable arrangement" that would not require the applicant to use money that would pay for the common necessities of life. We recommend that the Judicial Council provide further guidance to the courts, counties, and collections agencies to prevent misapplication of this section of the amnesty law.

- **What is the procedure to vacate warrants (Penal Code section 853.7) that will be addressed by the amnesty program?**

For amnesty program purposes, any warrants issued pursuant to Penal Code section 853.7 for specific amnesty eligible violations should be vacated by the court upon successful application to the amnesty program for those violations. If an individual is determined eligible for the amnesty program and he/she has appeared in court, paid the reduced fine in one lump sum or has agreed to the terms of the amnesty payment plan, or has otherwise satisfied the court, the court must vacate the warrant. This will allow people who have resolved their amnesty eligible violations to avoid future entanglement with law enforcement officers on the basis of outstanding warrants.

- **Is there a process for waiving Transaction Fees and License Reinstatement Fees?**

The Guidelines must ensure that transaction fees, administrative fees, and the DMV Reinstatement Fee collectively will not be an insurmountable barrier to participation in the amnesty program. If the individual certifies under penalty of perjury that he receives public benefits or is within the monthly income that is 125 percent or less than the current federal poverty guidelines, he or she should be able to apply for a waiver of any transaction fees, \$55 DMV license reinstatement fee and all other DMV issuance fees. If a fee is levied, in order to conform with clear intent of statute to enable everyone who is eligible – including very poor people – to have their licenses restored, the guidelines should make clear that all reinstatement fees must be made part of the overall amnesty amount owed which is eligible for payment via an installment plan. Otherwise, many people will be unable to pay upfront the \$50 participation fee and the \$55 DMV license reinstatement fee and will therefore be unable to participate in the amnesty program.

- **Will the financial information supplied by applicants be kept confidential by the courts?**

The Judicial Council guidelines should state clearly that, in accordance with Government Code section 68633(f), financial information of applicants shall be kept confidential by the court.

- **How will fines accrued after the start of the amnesty period impact a person's license?**

The Judicial Council should provide guidelines as to this concern.

SPECIFIC COMMENTS (BY GUIDELINE SECTION):

3. COURT AND COUNTY PARTICIPATION

The draft guidelines state “[t]he entity responsible for the collection of delinquent court-ordered debt under Penal Code section 1463.010(b) will be responsible for implementation of the amnesty program.”

Third party collection agencies should be limited to the actual collection, and not be responsible for the implementation of the wider program within a county.

The draft guidelines state that “[j]uvenile traffic infractions are also included in the program.”

We recommend adding a sentence indicating that juvenile traffic infractions will be subject to the same guidelines as adult traffic tickets.

4. PROGRAM COSTS

The draft guidelines state that the each collections program will charge a \$50 amnesty fee “**per participant.**”

The proposed \$50 fee associated with each county's application of the amnesty law to each individual should be subject to waiver based on inability to pay and, where required, should be paid as part of the payment plan rather than up-front, contrary to Proposed Guidelines section 4, page 2. The stated purpose of this law is to "provide relief to individuals who have found

themselves in violation of a court-ordered obligation" because of an inability to pay bail or fines. See VC 42008.8(a)(1)-(2). Provisions concerning the law's implementation are likewise structured to allow indigent individuals access to amnesty. See VC 42008.8(i)(2)-(3) (requiring payment plans that are themselves subject to modification based on reduced income); 42008.8(h)(2) (requiring waiver of 80% of fines owed for clients who receive certain public benefits). People on GA in Alameda County have only \$336 to live on for an entire month, and people on public benefits in other counties may have even less. They are almost categorically unable to make a \$50 lump sum payment. Thus, charging them \$50 to implement the amnesty law effectively denies them amnesty and thwarts the intent of the law by preventing its application to the people who need it most. This becomes even clearer when one considers that as the proposed guidelines are written, an indigent individual would be required to pay a \$50 fee up-front to each and every county in which they seek amnesty. No implementation fee is required by the statute, and certainly a \$50 fee is not required. See VC 42008.8(i)(1) (using permissive language). Fee waiver and payment plans should be available for the implementation fee, just as they are available for the fines subject to amnesty, consistent with the statute and its intent.

We further recommend that if a participant has multiple tickets in a single county, s/he should be required to pay only \$50 total in order to access the amnesty program for multiple tickets in that county. For example, a participant with two eligible tickets in a single county will pay a total of \$50 to process the amnesty reduction or license reinstatement for both tickets.

This type of consolidation will be a cost-effective and efficient way to implement the program on the local level. Consolidation of multiple tickets in a single county will allow collections programs to batch process multiple amnesty petitions by a unique identifier, e.g., participant's driver's license number. Consolidation will also minimize confusion by creating one lump sum, one monthly installment payment plan, and one amnesty program fee. This in turn will create lower administrative costs for the collections agency to track and record data on payments.

The draft guidelines states that "[f]or participants with unpaid tickets in multiple counties, the amnesty program fee may be charged by *each* court or county collections program in which the participant is seeking relief."

The \$50 fee is an unreasonable burden for individuals participating in the program- for participants with ticket in 3 counties, this could add an additional \$150 dollars to the amount owed, all of which must be paid up-front, in addition to the \$55 that must be paid to the DMV to reinstate their driver's license. This requirement will make the amnesty program completely unavailable to low-income individuals.

The draft guidelines state that "[a] collections program (including a third party vendor) may not add additional administrative fees..."

We would like to further recommend that, in accordance with existing law, the collections program should not be able to charge interest on the fine or bail amount, or tack on transaction fees, or take any action to alter the amounts owed except as prescribed by Vehicle Code 42008.8(h)(1) and (2). The amnesty program sets out to provide relief to individuals who have

been unable to pay their court-ordered obligations due to extreme financial hardship. Increasing the amounts owed by charging additional fees and costs would directly abrogate that mission.

The draft guidelines state “[a]ny previously imposed administrative fees...may be reduced and collected under the amnesty program.”

Penalty assessments,¹ state surcharges,² court operations assessments,³ and criminal conviction assessments⁴ must also be reduced and collected under the amnesty program. See Vehicle Code section 42008.8(c)(1)-(5). We recommend that a sentence be added to the guidelines to make this text of the statute abundantly clear to courts, counties, and collections programs.

6. ELIGIBILITY

The draft guidelines state that “[a]ny remaining balance of a civil assessment amount imposed pursuant to Penal Code section 1214.1 must be deducted from the outstanding bail or fine amount before any amnesty reduction calculations and shall not be collected.”

A civil assessment fee can be imposed multiple times on one ticket when a person has both a failure to pay and a failure to appear for the same violation. If a civil assessment fee was imposed multiple times on the same ticket, all of the civil assessment fees must be deducted before any amnesty reduction calculations and none of the civil assessment fees shall be collected.

7. MANDATORY PROGRAM REQUIREMENTS

The draft guidelines state that “[a] failure to appear case is eligible for amnesty if the case is currently on failure to appear status and the appearance date was on or before January 1, 2013.”

Per Vehicle Code section 42008.8(g)(9), this eligibility requirement should be revised to state the following: “**initial** appearance date was on or before January 1, 2013.”

The draft guidelines state “[a] failure to pay case is eligible for amnesty if the fine due date **and** the last payment made on an installment plan or accounts receivable was on or before January 1, 2013.”

Language limiting amnesty to people who made their last payment on/before 1/1/13 (in Proposed Guidelines sections 7 and 8, pages 3 and 4) severely limits eligibility beyond what is contemplated in the statute. The statute only requires that the initial due date for the payment be on/before 1/1/13 (VC 42008.8(g)(4)) and that the person not be currently making payments (VC 42008.8 (g)(7)). The language in the proposed guidelines would exclude a huge swath of people whom the legislature intended to benefit from amnesty.

¹ Imposed pursuant to Section 1464 of the Penal Code, and Sections 70372, 76000, 76000.5, 76104.6, and 76104.7 of, and paragraph (1) of subdivision (c) of Section 76000.10 of, the Government Code, and Section 42006 of the Vehicle Code.

² Imposed pursuant to Section 1465.7 of the Penal Code.

³ Imposed pursuant to Section 1465.8 of the Penal Code.

⁴ Imposed pursuant to Section 70373 of the Government Code.

“And” implies that a previous payment is a necessary condition when a fine due date has been set. This is inaccurate. A person can be found in violation of a failure to pay even when no previous payment has been made. We recommend revising this sentence to eliminate the requirement for a last payment made on or before January 1, 2013.

The draft guidelines state “Any payment made (on the specific case(s) on which amnesty is requested), after January 1, 2013, either voluntarily or involuntarily, disqualifies the case from eligibility for a reduction of the outstanding amount.”

It is simply unfair that someone who has attempted to resolve their debt by making one or more payments since Jan 1, 2013, but who has been unable to maintain that due to financial hardship should be denied full access to the amnesty (i.e. the debt reduction) because of that earlier good faith effort.

The draft guidelines state “[t]he courts and the DMV will use existing reporting processes to release a hold or reinstate a suspended driver’s license for amnesty eligible cases.”

We recommend adding the following sentence to ensure expedient processing of court notifications: “DMV will ensure prompt response to court notification.” It is our experience that the DMV has slow process times and it is our experience that the DMV and the Courts have slow processing times, resulting in weeks-long delays in restoring someone’s license.

9. AMNESTY PAYMENT PLAN

The draft guidelines state “[d]uring the amnesty period, the court and county may utilize collection efforts authorized by Penal Code section 1463.007, except initiating driver’s license suspension or hold actions.”

It should be made clear in this section that if a participant defaults on one or more installment payments, the court, county and collections program may not initiate driver’s license suspension or hold actions during **or after** the amnesty period.

10. PAYMENT PROCESSING

The draft guidelines state that “Vehicle Code section 42008.8 will accept in full satisfaction of eligible bail or fine 50% of the outstanding fine or bail amount...”

We recommend that there be a procedure for requesting a change in the eligible bail or fine reduction if an individual presents with a change in financial circumstances during the pendency of his or her monthly installment payment plan.

The draft guidelines state “[t]he court and county should not allow an eligible individual to sign up for traffic school in lieu of making the reduced payment amount, as the distribution under amnesty is not consistent with the statutory distribution required under traffic violator school.

An eligible individual should be allowed to sign up for traffic school in lieu of making the reduced payment amount, contrary to Proposed Guidelines section 10(i), page 7, pursuant to the same access arguments cited immediately above. The traffic school alternative would help indigent individuals access the amnesty law, and at the same time would address public safety concerns. Furthermore, the statute does not address the availability of traffic school. Advocates should be able to negotiate traffic school options with individual courts.

14. AMNESTY PROGRAM ACTION PLAN

The draft guidelines list the responsibilities of the DMV.

We recommend that the following be added to the DMV's responsibilities: Designating staff at each field office to process license reinstatements.

The draft guidelines suggest that each court and county should develop a joint process for local policies and procedures.

We recommend that the following joint process be added: Withdrawing eligible cases from a third-party collections vendor and the California Franchise Tax Board.

The draft guidelines suggest that the court and county consider developing joint procedures.

We recommend that the following joint procedure be added: Posting on their website and inside their court facilities information regarding the amnesty program.

15. THIRD PARTY COLLECTIONS

Under "Third Party Collections" it states that third party vendors that provide collection services for delinquent court-ordered debt may collect amnesty eligible debt.

We are extremely concerned that third party vendors will be responsible for administering the program, as our clients have faced extreme barriers when attempting to set up a payment plans through collection agencies, and obtaining proof of said payment plan. Collection agency agents are rarely knowledgeable of court programs and requirements, and are often uncooperative. Additionally, many third party vendors charge extreme fees for monthly payments when using a debit or credit card. AllianceOne, for example, charges \$10 per phone or computer transaction. This adds an unreasonable cost to the required monthly payments.

Thank you for your consideration of these comments. If you have any questions, you can reach any of the undersigned individuals.

Sincerely,

Michael Herald
Legislative Advocate
Western Center on Law and Poverty

Elisa Della-Piana
Director of Programs
East Bay Community Law Center

Theresa Zhen
Skadden Fellow
A New Way of Life Reentry Project

Jesse Stout
Policy Director
Legal Services for Prisoners with Children

Dana Isaac
Thurgood Marshall Fellow
Lawyers' Committee for Civil Rights of the San Francisco Bay Area

Claire Johnson Raba, Esq.
Project Coordinator, Consumer Protection Practice Area
Bay Area Legal Aid